

REMARKS

In reply to the Office Action of April 21, 2005, the applicant submits the following remarks. Claims 1, 2, 5, 7, 21, 23, 26 and 27 have been amended. Claim 25 is cancelled without prejudice. The applicant reserves the right to prosecute the subject matter of the cancelled claim in one or more continuation or divisional applications. Claims 35-36 are new. No new matter has been added. After entry of this amendment, claims 1-24, and 26-36 are pending, of which claims 10-20 and 30-34 are withdrawn.

Claim 1 is directed to an encapsulated device having a substrate with an organic electronic device on the substrate. An epoxy surrounds a perimeter of the organic electronic device. An encapsulation lid is on the epoxy. The epoxy is a liquid or a gel when the epoxy is applied to the encapsulation lid or substrate. The epoxy includes a desiccant.

Claim 21 is directed to an encapsulated organic electronic device on a substrate, with a desiccant ring surrounding a perimeter of the organic electronic device. An epoxy is on the substrate and an encapsulation lid is on the epoxy. The epoxy is a liquid or a gel when the epoxy is applied and includes a desiccant.

Amendments to the Claims

The claims have been amended to correct various typographical errors, or to clarify terminology, such as with the removal of a pronoun from the claim 1. Support for the amendment to claim 21, as well as for new claims 35 and 36, can be found on page 9, lines 5-9 of the specification. Accordingly, no new matter is introduced herein, and entry of the several amendments is respectfully requested.

Election/Restrictions

In the office action mailed April 21, 2005, the Examiner acknowledges that "[a]pplicant timely traversed the restriction (election) requirement in the reply filed on 31 March 2005". However, in the following paragraph, the Examiner states, "Applicant's election *without* traverse of claims 1-9 and 21-29 in the reply filed on 31 March 2005 is acknowledged." (emphasis added) These two statements are inconsistent. The applicant respectfully requests clarification, and confirmation that applicant's timely election was accompanied by a traverse.

Amendments to the Specification

The specification has been amended to correct various typographical errors, which would be clear to one of ordinary skill in the art. Accordingly, no new matter is introduced by way of the amendments and entry thereof is requested.

Claim Rejections under 35 U.S.C. § 102

Prior to this response, claims 1-3, 5-6 and 9 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Publication No. 2003/0143423 ("McCormick"). The applicant respectfully disagrees because McCormick does not teach an epoxy that is a liquid or a gel, as recited in claim 1.

McCormick describes an organic electronic device ("OED") that is sealed with an adsorbent loaded transfer adhesive, that is, desiccant or getter material dispersed in an adhesive matrix (paragraphs 0029, 0033). In contrast to applicant's invention in which an epoxy is applied in liquid or gel form, in McCormick, "[t]he transfer adhesives are already in *film* form prior to being applied to the OED structure" (paragraph 0029, emphasis added). Furthermore, McCormick uses a transfer adhesive because of the advantages that a transfer adhesive provides over a liquid adhesive (paragraph 0022). McCormick suggests that transfer adhesives are more easily handled and that their size, shape and positioning can be controlled (*id.*). Specifically, the transfer adhesive can be made of a pressure sensitive, hot melt, thermoset, actinic, electron beam curable or curable pressure sensitive adhesive (paragraph 0029). Thus, in summary, McCormick does not teach an epoxy that includes a desiccant and that is a liquid or a gel when applied to the substrate; claim 1 in Applicant's patent application recites that the "epoxy is a liquid or a gel". Rather, McCormick describes an adsorbent loaded transfer adhesive that is applied in film form.

Applicant also respectfully points out that an OED formed by using a transfer adhesive would be structurally different from a device having an epoxy that is applied as a liquid or a gel. A transfer adhesive typically has contours that are formed by cutting or shaping the adhesive prior to application (paragraph 0022). An epoxy will typically have an edge with a contour that is dictated by the application process and a physical change in the material when the epoxy is changed from its liquid or gel state. For at least this reason, the applicant requests that the anticipation rejections be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 4, 7-8 and 21-29 were rejected under section 103(a) as allegedly being unpatentable over McCormick. The applicant respectfully disagrees.

With respect to claims 4 and 8, each and every element of the claim must be found in the cited art in order to sustain a finding of obviousness. Claims 4 and 8 depend from claim 1, and recite an epoxy that is a liquid or a gel when applied. With reference to applicant's foregoing remarks regarding McCormick, which fails to suggest or disclose an epoxy that is a liquid or a gel when applied, applicant respectfully points out that each and every element of the claims has not been identified in the cited art. Accordingly, claims 4 and 8 are non-obvious over McCormick.

Regarding claim 7, the rejection notes that "[i]t would have been obvious to a person of ordinary skill in the art to have the desiccant be finely particled and have a particle size less than 10 microns." However, McCormick does not provide any indication of a suitable particle size for desiccant material. While it may be reasonable for a person of skill in the art to experiment within a give range to find an optimal range, McCormick provides no guidance whatsoever to select any particular range, other than generally suggesting "as fine as possible" or "as small as possible". Accordingly, without more, one of ordinary skill in the art would not be motivated by the teachings of McCormick to select particles having a size less than 10 microns. Moreover, because claim 7 depends from claim 1, the reasons provided above with respect to claims 4 and 8 apply to claim 7.

Regarding claims 21-24 and 26-29, the rejection is predicated on a characterization of claim 21 as a 'product by process' claim by virtue of the phrase "prior to applying said epoxy, said desiccant ring is evaporated onto said encapsulation lid." The applicant respectfully points out that with the instant amendment, the offending phrase has been deleted. Accordingly, and although applicant does not concede that claim 21 as originally filed is properly characterized as a 'product by process' claim, the grounds for rejection are rendered moot. Furthermore, at least because McCormick fails to suggest or disclose an epoxy that includes a desiccant and that is a liquid or a gel when applied, claim 21 and those depending therefrom are neither anticipated by, nor obvious over McCormick.

Accordingly, the applicant requests that the obviousness rejections be withdrawn.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 19-2179 of Siemens Corporation.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation
Customer No. 28524
Attn: Elsa Keller, Legal Administrator
170 Wood Avenue South
Iselin, NJ 08830

Respectfully submitted,

Thomas George

Thomas George, Reg. No. 45,740
Attorney(s) for Applicant(s)
Telephone: 650-694-5191
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